

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**GINA DELPHIN,  
Plaintiff,**

**vs.**

**GRAYSON COUNTY, TEXAS,  
Defendant.**

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**CIVIL ACTION NO. 4:11-cv-189**

**ORIGINAL COMPLAINT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, Gina Delphin, Plaintiff, and files this original complaint against Grayson County, Texas, Defendant, and would respectfully show the Court as follows:

**I. PARTIES**

1. Plaintiff is an individual residing in Grayson County, Texas.
2. Defendant Grayson County, Texas is a governmental entity in Texas and may be served serving Drew Bynum, County Judge, Grayson County Courthouse, 100 W. Houston Street, Sherman, Texas 75090.

**II. JURISDICTION**

3. Jurisdiction is founded on federal question, specifically Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.
4. All prerequisites to filing suit have been met.

**III. FACTS**

5. Plaintiff was employed by Grayson County, Texas, for approximately twenty-one (21) years. Plaintiff began working for the County as a full-time employee on or about October 2, 1989. She

was previously employed as a part-time employee from approximately September 1983 to May 1986.

On or about October 1, 2010, Plaintiff was discharged. At the time of her discharge, she was employed as a deputy clerk in the Grayson County District Clerk's Office and responsible for criminal filings in the 397<sup>th</sup> Judicial District Court.

6. On or about Friday, October 1, 2010, the new District Clerk, Kelly Ashmore, was sworn in. At approximately 5:30 p.m. that afternoon, Ms. Ashmore called Plaintiff into her office and asked why she had not "contacted" Ms. Ashmore after her election. Plaintiff replied that, in the twenty-one (21) years she had worked for the county, she had never contacted an elected official who was coming into office.

7. Then Ms. Ashmore told Plaintiff she did not think they could work together so she no longer needed Plaintiff's services.

8. Plaintiff asked if Ms. Ashmore was firing her; Ms. Ashmore nodded.

9. Plaintiff asked if Ms. Ashmore was firing anyone else who did not "contact" her. She refused to answer.

10. Upon information and belief, Plaintiff was the only Hispanic working in the District Clerk's office. Plaintiff was replaced by Leslie Oliver (white).

11. Upon information and belief, neither Ms. Ashmore nor Ms. Oliver had any prior employment experience in a district clerk's office.

12. Upon information and belief, white/non-Hispanic employees who did not "contact" Ms. Ashmore following her election to office were not fired.

13. At the time of her termination, Plaintiff was earning approximately \$16.20 per hour plus benefits.

#### **IV. FEDERAL CLAIMS FOR RELIEF AND DAMAGES**

##### **COUNT I**

**14. Violations of 42 U.S.C.A. 2000e, et seq. (Unlawful Employment Practices), as amended**

15. A. Plaintiff is alleging that she was discharged in violation of 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended, protecting Plaintiff from discrimination in the workplace on the basis of national origin (Hispanic).

16. B. Plaintiff claims all relief, legal and equitable that effectuate her rights 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.

17. C. Plaintiff requests reasonable attorney's fees as permitted under 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended.

18. D. On or about December 6, 2010, Plaintiff filed a written complaint with the U.S. Equal Employment Opportunity Commission. On March 17, 2011, she received the Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission, which was dated March 16, 2011.

##### **COUNT II**

**19. Violations of Title VII of the Civil Rights Act of 1964, as amended**

20. A. Plaintiff is alleging that she was discharged in violation of Title VII of the Civil Rights Act of 1964, as amended, protecting Plaintiff from discrimination on the basis of national origin (Hispanic).

21. B. Plaintiff claims all relief, legal and equitable, that effectuate her rights under Title VII of the Civil Rights Act of 1964, as amended.

22. C. Plaintiff requests reasonable attorney's fees as permitted under Title VII of the Civil Rights Act of 1964, as amended.

23. D. On or about December 6, 2010, Plaintiff filed a written complaint with the U.S. Equal Employment Opportunity Commission. On March 17, 2011, she received the Notice of Right to Sue from the U.S. Equal Employment Opportunity Commission, which was dated March 16, 2011.

#### **V. DAMAGES**

24. Plaintiff would show that she has sustained damages within the jurisdictional limits of the Court as a proximate cause of Defendant's wrongful conduct. Plaintiff claims all relief at law and in equity pursuant to 42 U.S.C.A. 2000e, *et seq.* (Unlawful Employment Practices), as amended, and Title VII of the Civil Rights Act of 1964, as amended.

#### **VI. ATTORNEY'S FEES**

25. Plaintiff would show that, as a result of Defendant's wrongful conduct as set forth herein, she is entitled to reasonable and necessary attorney's fees.

#### **VII. JURY DEMAND**

26. Plaintiff requests that this matter be tried before a jury.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff requests that upon final hearing hereof, Plaintiff have judgment against Defendant for actual damages in an amount within the jurisdictional limits of the Court together with interest on said amount at the highest rate allowed by law; mental anguish; punitive damages; reasonable attorney's fees; costs of court; prejudgment and postjudgment interest; and any and all further relief, at law or in equity, general or special, to which Plaintiff may show herself justly entitled.

Respectfully submitted,

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/s/ Ronald R. Huff  
Ronald R. Huff (SBN 10185050)  
**ATTORNEY FOR PLAINTIFF**